

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SANDAHL FARMS,

Plaintiff,

vs.

THE FARM SERVICE AGENCY, of the
United States Department of
Agriculture; UNITED STATES
DEPARTMENT OF AGRICULTURE,
and SONNY PERDUE, in his capacity
as Secretary of the United States
Department of Agriculture;

Defendants.

4:17CV3122

ORDER

Plaintiff has filed an action for judicial review of a determination made by the National Appeals Division of the United States Department of Agriculture. The determination at issue was entered following an End-of-Year Review of Plaintiff Sandahl Farms for the 2010 program year. Sandahl Farms is a family-owned farming operation located in northeast Nebraska. (Filing No. 1-1).

Plaintiff's complaint did not immediately request a trial location. The case was assigned to Lincoln by the Clerk. Six days later, Plaintiff requested an Omaha trial location. (Filing No. 3).

Under the circumstances presented, the court will deem the belated request for an Omaha trial location as timely filed and will reassign the case to Omaha. Defendants have been served, but they have not yet filed a response to the complaint. The court further notes it is unlikely the relief requested—judicial review of an agency decision—will be the subject of a trial in any courtroom. And

even if that occurs, the subject of this litigation (a farm in northeast Nebraska) and the witnesses to that farming operation, are likely closer to Omaha than Lincoln. Thus, it does not appear Plaintiff's request for an Omaha trial location was filed as a means of forum- or judge-shopping.

While the court has cited facts in the current record which support Plaintiff's belated request for an Omaha trial location, nothing in this order precludes the government from moving to change the location of trial to Lincoln or North Platte in accordance with this court's local rules if the government deems such a motion is warranted.

IT IS ORDERED that Plaintiff's request for an Omaha trial location, (Filing No. 3), is deemed timely filed, and this case shall be assigned to an Omaha trial location.

November 9, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge